



Docket No.: 242751US2

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/660,605

Applicants: Joichiro EZAKI, et al.

Filing Date: September 12, 2003

For: MAGNETORESISTIVE EFFECT ELEMENT,
MAGNETIC MEMORY DEVICE AND METHOD OF
FABRICATING THE SAME

Group Art Unit: 2824

Examiner: DINH, SON T.

SIR:

Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION REQUIREMENT

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Gregory J. Maier

Registration No. 25,599

Customer Number

22850

(703) 413-3000 (phone)

(703) 413-2220 (fax)

I:\ATTY\KDP\24'S\242751US\242751US RESTRICTION CVR 7.14.05.DOC

Katherine D. Pauley

Registration No. 50,607



DOCKET NO: 242751US2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
JOICHIRO EZAKI, ET AL. : EXAMINER: DINH, SON T.
SERIAL NO: 10/660,605 :
FILED: SEPTEMBER 12, 2003 : GROUP ART UNIT: 2824
FOR: MAGNETORESISTIVE EFFECT :
ELEMENT, MAGNETIC MEMORY
DEVICE AND METHOD OF
FABRICATING THE SAME

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement dated June 16, 2005, Applicants provisionally elect with traverse Group I, and identify Claims 1-30 and 34 as readable on the elected group.

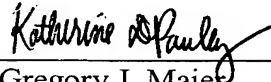
Applicants traverse the outstanding Restriction Requirement because, as set forth in MPEP § 803: "If the search examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

The claims of Groups I and II appear to be part of an overlapping search area. Therefore, Applicants traverse the outstanding Restriction Requirement on the grounds that a search and examination of the entire application would not place a serious burden on the Examiner.

Accordingly, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-34 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Katherine D. Pauley
Registration No. 50,607

I:\ATTY\KDP\24'S\242751US\242751US RESTRICTION RESPONSE 7.14.05.DOC